IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

Crl.MC.No. 3297 of 2007()

CC.800/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

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PETITIONERS/ACCUSED 1 & 2 IN C.C.NO.800/04:

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1. MUHAMMAD IBRAHIM AGED 30
S/O.HAMEED,
PUTHENVEETIL HOUSE,
KUZHIKKATTUMOOLA,
KAKKANADU.

2. SUBAIDA BAI, AGED 50,
W/O.HAMEED,
PUTHENVEETTIL HOUSE,
KUZHIKKATTUMOOLA,
KAKKANADU.

BY ADV. SRI.SUBAL J.PAUL

RESPONDENTS:

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1. UMMUKULSU, AGED 25 (DEFACTO COMPLAINANT)
D/O.MUHAMMAD
MURIYANKARA HOUSE,
KUZHIKKATTUMOOLA,
KAKKANADU- 682022.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.

BY ADV. SMT.R.LEELA
PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3297 of 2007

Dated this the 26th day of October 2007

O R D E R

The petitioners face indictment in a prosecution for the offence punishable under Section 498A I.P.C. They are the husband and mother-in-law of the first respondent/complainant. Proceedings were initiated on the basis of a private complaint filed by the first respondent herein. Cognizance has been taken by the learned Magistrate. The case has been numbered as C.C.No.800/04 of Judicial First Class Magistrate Court-I, Aluva.

2. The learned counsel for the petitioners and the learned counsel for the first respondent who has also entered appearance submit that the disputes between the parties have now been settled amicably. The first respondent has settled all her disputes with the petitioners. In the complaint, there are altogether three accused persons including the third accused who happens to be the uncle of the first petitioner.

3. The learned counsel for the petitioners asserts, the learned counsel for the first respondent accepts and I am satisfied that the first respondent has now settled all her

disputes with all the three accused and has compounded the offence alleged against them. The submissions made at the Bar, the averments in the petition and also the averments in the joint statement filed by the petitioners and the first respondent satisfy me that the matter has been settled between them. If legally permissible, I am satisfied that the composition can be accepted and premature termination of the proceedings can be directed. The offence alleged under Section 498A I.P.C is not compoundable. Notwithstanding that circumstance, I am satisfied that powers under Section 482 Cr.P.C can be invoked as permitted by the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386].

4. In the result, this Crl.M.C.is allowed. C.C.No.800/04 pending before the Judicial First Class Magistrate Court-I, Aluva against the petitioners and the third accused is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007